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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,426	01/23/2004	Shelly Lenna Bauerly	Bauerly 00100	6800

66842 7590 03/29/2007
RONALD R. SHEA
6244 ROYAL OAK COURT
SAN JOSE, CA 95123

EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,426	BAUERLY, SHELLY LENNA	
	Examiner	Art Unit	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-32 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) 5-9,19,20,29-32,35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10-18,22-25,27,28 and 37-41 is/are rejected.
- 7) ☒ Claim(s) 21 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's reply filed 01/16/07 is acknowledged. Claims 1-2, 4-32, 35-41 are pending. Claims 3 and 33-34 have been canceled. Claims 5-9, 19-20, 29-32 and 35-36 were withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4, 10-11, 13-18 and 22-25 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 2,253,998 to Lurie et al. in view of JP 10-113275 to Omura.

As to claims 1, 22, 37 and 40, Lurie et al teaches hanger device for hanging handbags, purses or the like (Figs. 1-4) from a horizontal surface, comprising the limitations as follows: a rigid interface member defining a planar interface area (12); a rigid arm (14, Fig. 1) (which has at least one bend) with proximal end coupled with the rigid interface member and a distal end configured to orient itself vertically beneath the planar interface area. Note that the distal end in this case, the examiner considers as a hook segment 23, 15 upon which a handbag, purse or the like can be supported.

The Lurie device differs from claim 1 of the present invention in that it is not provided with a flexible member with a first end coupled to the distal end of the rigid arm, and a second end coupled to a purse engagement member.

Omura teaches the concept of such, Omura teaches the hanger device with a flexible member (6) having a first end coupled to the distal end of the rigid arm (3) and a

Art Unit: 3632

second end coupled to a purse engagement member (8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a flexible member with a first end coupled to the distal end of the rigid arm and a second end coupled to a purse engagement member as in Omura on the hook of Lurie in order to allow a user to hang the type of the purse where there is no full top closure of the interior of the purse and to provide a configuration which to be easily opened/closed and/or attached/detached (Omura, abstract).

As to claim 2, Lurie as modified also teaches the distal end of the rigid arm being oriented vertically beneath the geometric center of said planar interface area.

As to claim 4, Lurie et al. as modified also teaches the rigid arm being swivelably coupled (5) with the rigid interface member.

Continuing to claims 10-11 and 38, Lurie et al as modified also teaches the rigid arm comprising a horizontal extension (13) (Fig. 2), which is parallel with the planar interface area; and the rigid arm having a vertical extension (20) that is substantially perpendicular to said horizontal extension.

As to claim 13, Lurie et al as modified also teaches first end of the flexible member (6, Omura) being coupled to the distal end of the rigid arm by a swivel joint (7). Note that the examiner considers the ring 7 of Omura is a swivel joint since the ring 7 of Omura is capable of turning or pivoting allowing the flexible member and thus the handbag/purse to turn around in a horizontal plane.

As to claim 14, Lurie et al as modified also teaches the second end of the flexible member being coupled to the purse engagement member by a swivel joint (Omura, 9).

Art Unit: 3632

The examiner also considers the ring 9 of Omura is a swivel joint since the ring 9 of Omura is capable of turning or pivoting allowing the flexible member and thus the handbag/purse to turn around in a horizontal plane.

As to claims 15-16, the purse engagement member (8) of Omura as modified is also a rigid loop, a single continuous loop (when the engagement member is closed).

As to claims 17-18, wherein the rigid loop is a formed from a movable loop member (8) movably engaged to a primary loop member (the remained loop) wherein, when the movable loop member is in a first position, the rigid loop is a closed loop, and when the movable loop member is in a second position, the rigid loop is an open loop; and wherein the movable loop member is movably engaged to the primary loop member through a pivot (hinge member, no numeral)

As to claim 23, which recites the flexible member as being at least one inch long, which also appears to read on Omura. Nevertheless, it would have been an obvious matter of design choice for one of ordinary skill in the art to dimension the flexible member to be at least one inch long producing no new and unexpected results.

As to claims 24-25, Claims 24-25 recited limitations similar to those recited in claims 15-17, which also read on Lurie as modified.

As to claim 39, Lurie et al as modified also teaches at least one bend (at 22 for example) within the rigid arm, which comprises a large progressive curve.

As to claim 41, Lurie et al as modified also teaches the horizontal extension of the rigid arm is swivelably coupled to the rigid interface member (12, 18) while rigidly fixed along a horizontal line relative to the rigid interface member.

Claims 12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie et al. in view of Omura and further in view of US Pub. No.2004/0195484 to Sheeran.

Lurie et al. in view of Omura teaches substantially as claimed except that is not provided with a lengthening means for altering the length of the vertical extension wherein the lengthening means comprises a turnbuckle.

Sheeran teaches such concept. Sheeran teaches a vertical extension of the rigid arm having a lengthening means for altering or adjusting a length of the vertical extension (Fig. 6c, for example) wherein the lengthening means is in the alternative form of a turnbuckle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lengthening means as in Sheeran on the vertical extension of Lurie et al as modified so as to provide the vertical arm, which can be rotated, adjusted or extended in length in order to allow the hanger to be positioned on a wider variety of surfaces having varying degrees of thickness. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vertical extension adjustable since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

Allowable Subject Matter

Claims 21 and 26 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's reply filed 1/16/07 to notice of non-compliant letter mailed 12/12/06 has been entered. Applicant's remarks filed on 3/20/06 have also been noted.

Applicant's argument to the objection of drawings is persuasive. The objection to drawings is therefore withdrawn.

Applicant's arguments with respect to claims 1-4, 13-18 and 22-25 as rejected under 102(b) to Omura alone are also persuasive. The rejection under 102(b) to Omura alone is therefore withdrawn.

Applicant's arguments with respect to claims 1-2, 4 (claim 3 which has now been canceled), 10-11, 13-18 and 22-25 as rejected under 103(a) as being unpatentable to Lurie et in view of Omura have been considered but they are not deemed to be persuasive. In particular, Applicant's argument with respect to motivation to combine the references of record and the references that teach away from combination have been considered but they are not deemed to be sufficient to overcome such rejection of the prior art.

First, applicant should note that a combination of references is proper for any reason taught by the prior art and that there is no requirement that a particular reference explicitly articulate this motivation. The examiner has advanced the motivation for

Art Unit: 3632

making the required modifications and applicant has not adequately addressed this motivation. Second, there is no requirement for one reference to explicitly suggest its combination with other references. Argument that of the references teaches away from the combination is not persuasive because the modification has not changed the principle operation of the hanger device of Lurie et al. The examiner is attempted to modify the hanger of Lurie et al by adding a flexible member and the engaging member to hang the handbag or purse as per the teaching of Omura, which was obvious indicated that that it was well known in the art.

With respect to other arguments such that "for the shaft (of Lurie) to extend outwardly in a parallel spaced relation", or "any fixed relation to the lower planar surface of the housing"; and "Omura teaches an iron bar coupled to element 1 by a pivot 5", or "the iron bar of Omura is not fixed in relation to the planar surface of the housing of Omura" are appeared to be based on limitations that are not claimed.

Argument with respect to claims 21 and 26 rejected under 35 USC 103 as being unpatentable over Omura in view of Schmidt is persuasive. The rejection is therefore withdrawn.

Newly added claims 37-41 introduced a positively limitations such as "one bend within the rigid arm" along with other limitations such as ""vertically beneath the geometric center of said planar interface area" or "positive recite "a horizontal surface" as introduced in claims 1-2 and 22 respectively, these new and amended claims have been considered but they are still rejected as pointed out in the office action.

Conclusion

Accordingly, THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
March 21, 2007



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Group 3600